

CITY OF ARMADALE

M I N U T E S

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 11TH MARCH 2002, AT 7:00 PM.

PRESENT:

Cr H A Zelones JP	Chairman
Cr F R Green	Deputy Chairman
Cr G M Hodges	
Cr J Everts	
Cr J Knezevich	
Cr L Reynolds JP	
Cr R C Stubbs	

APOLOGIES: Nil

OBSERVERS: Nil

IN ATTENDANCE:

Mr J H A Adderley	Executive Director Development Services
Mr I Townson	Building Services Manager
Mr P Meyrick	Health Services Manager
Mr L Fouché	Planning Services Manager
Ms N Cranfield	Minute Secretary
Public	3

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read by the Chairman.

DECLARATION OF MEMBER'S INTERESTS

Nil.

QUESTION TIME

1. Mr R Knight – Vice Chairman – Pioneer Village School Board

Mr Knight queried whether Council had received the Pioneer Village School submission relating to the proposed micro-brewery at Pioneer Village?

Chairman affirmed that the submission had been received but as yet not all Councillors were familiar with it.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 11th February 2002, were confirmed.

MOVED Cr Reynolds
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.5/2002

The following items were included for information in the “Development Services Strategy section” –

- ◆ Report on Outstanding Matters – Development Services Committee
- ◆ Western Australian Local Government Association – Seminars
- ◆ Health Services Manager’s Report for January 2002
- ◆ Brookdale Liquid Waste Treatment Facility
- ◆ Planning Services Manager’s Report for January 2002
- ◆ Review of the Draft Residential Design Codes
- ◆ Monthly Administrative Approval Report for the period – 1/1/02 to 31/1/02
- ◆ PAW Closure Report – significant actions during January 2002
- ◆ Town Planning Scheme No.2 & No.3 – Amendment Table
- ◆ Subdivision Applications – Recommendation Table
- ◆ Building Services Manager’s Report for January 2002
- ◆ Financial Statements for the period ending 31st January 2002

Committee noted the information and no items were raised for further report.

***PROPOSED MICRO BREWERY - PIONEER VILLAGE –
LOT 100 ALBANY HIGHWAY, ARMADALE***

WARD : Armadale
FILE REF : A185084
DATE : 7 March 2002
REF : EP
RESPONSIBLE MANAGER : PSM
APPLICANT : HTS Consultants Pty Ltd
LAND OWNER : Summer Moon Enterprises Pty Ltd
SUBJECT LAND : Lot 100 Albany Hwy,
Armadale
Property size 4.00ha
Map 23-03
ZONING : Urban / Special Use “Public
MRS/TPS No.2 Amusement”

In Brief:-

- The applicant proposes the development of a micro brewery associated with the old “Pioneer Village Pub”.
- As some of the submissions received are complex, technical and of a legal nature further investigation and legal advice will be required prior to making a recommendation.
- Recommend that the application be recommitted subject to further legal advice and assessment of the submissions received.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Development – to balance the needs of development with sustainable economic, social and environmental objectives.

To create an Integrated Regional Centre with a full range of services (Residential, Business, Commercial, Recreational, Civic and Leisure).

Legislation Implications

Town Planning and Development Act 1928
Town Planning Scheme No.2

Council Policy / Local Law Implications

City of Armadale Alcohol Policy.
Enquiry by Design Workshop Outcomes Report

Budget / Financial Implications

Nil.

Consultation

- ◆ Surrounding Landowners
- ◆ Strata Management Company
- ◆ Development Control Unit

BACKGROUND

The report to Council's December 2001 round of meetings detailed information on the imminent reopening of Pioneer Village, and the recent upgrading and refurbishment works which have taken place on the site. Many of the previous tenancies are scheduled to re-open, including various gift shops, the old Pioneer Village Tea Rooms, and the Pioneer Village Pub.

Council at its meeting on 21 January 2002 considered the application to establish a Micro Brewery associated with the "Pioneer Village Pub" on the above property and resolved as follows:

1. *That subject to a duly authorised MRS Form-1 Application being received, the proposal to operate a micro brewery as an incidental use to the Pioneer Village Pub at Lot 100 Albany Highway, Armadale be advertised to surrounding landowners for comment for a period of 28 days.*
2. *That the applicant be advised of additional matters which Council would expect to be addressed in relation to this application, including:-*
 - ◆ *Information in respect to overall throughput volumes associated with the brewery;*
 - ◆ *The need to obtain Licensing Court approval for the brewery and the Pioneer Village Pub;*
 - ◆ *The reliance of any approval of the brewery on licensing of the Pioneer Village Pub.*

DETAILS OF PROPOSAL

The applicant proposes to establish a Micro Brewery associated with the "Pioneer Village Pub" on the above property, which was previously in operation on this site and is currently being refurbished.

The Micro Brewery is proposed to be located within three vacant tenancy units adjacent to the Pub. Units 30 and 31 (immediately south) of Strata Lots 66 & 67 are to contain the Micro Brewery operation, whilst the unit immediately to the west of the Pub will be refurbished as a coolroom for the storage of production. No external alterations are proposed to the buildings that are to be used for the activity.

Advice received from the applicant details the brewery operations as follows:

- ◆ 60,000 litres of beer will be produced per annum;
- ◆ The beer will be stored in beer tanks and kegs;
- ◆ All beer will be stored within the coolroom;
- ◆ Beer will be sold by the glass over the bar and distribution sales by keg;
- ◆ Hours of operation would be 7 days a week, 10.00am to 10.00pm;

The brewery will form part of the Pub with visitor tours, beer tasting and facility for inspection of the beer brewing process. The applicant advises that the facility would be more of a tourist attraction nature than a pub.

Results of advertising

The application was advertised for public comment closing on 11 March 2002.

No. of properties advertised -	19	(including the strata owners of Pioneer World and residents on Onyx Road properties abutting the subject site)
No. of submissions received -	4	(including a petition containing 124 signatures)
No objecting to proposal -	4	
No. supporting proposal -	0	

COMMENT

As some submissions received on 11 March 2002 are complex, technical and of a legal nature Council officers are not in a position to make a recommendation without fully assessing the issues involved and seeking legal advice on this application.

COMMITTEE noted the receipt of submissions on the date of advertisement closure (11/3/02) and was of the view that the technical and legal matters involved in the submissions would need further time to thoroughly evaluate.

It was additionally noted that officers should provide information with respect to changing circumstances within the Pioneer Village since the Pioneer Village Pub operations lapsed, particularly with regard to expansion of the School and matters relating to car parking in and around the new entrance area.

D34/02

RECOMMEND

That the application to establish a Micro Brewery at Lot 100 Albany Highway, Armadale, be recommitted subject to further legal advice and further assessment of submissions received.

MOVED Cr Zelones
MOTION CARRIED (7/0)

***PROPOSED SHOP, COMMUNITY FACILITIES AND MINOR MODIFICATIONS TO
SUBDIVISION GUIDE PLAN – CHURCHMAN BROOK ESTATE***

WARD : Armadale
FILE REF : A235738
DATE : 28 February 2002
REF : JRH
RESPONSIBLE : PSM
MANAGER
APPLICANT : Taylor Burrell
Town Planning & Design
LAND OWNER : A, R & J Paton
SUBJECT LAND : Lots 9001 and 9002
Churchman Brook Road,
Bedfordale
Property size 49.43 ha
Map 25.02
ZONING : Rural
MRS/TPS No.2 : Special Use Zone No.69

In Brief:-

- Consideration of the development of the proposed shop and community facilities within Churchman Brook Estate, including a Community Hall, tennis courts, village green and ornamental lake. Council also to consider minor modifications to the endorsed Subdivision Guide Plan (SGP) for the estate.
- Proposed shop and community facilities are consistent with Town Planning Scheme No.2 provisions, the endorsed Subdivision Guide Plan, and the Deed of Agreement between Council and Churchman Brook Estate.
- Recommend that Council approve the proposed shop and community facilities, with the proposed Community Hall being deferred pending the outcome of Council's consideration of the Building Usage Assessment Report.
- The proposed modification to the SGP relating to the proposed shop lot is also recommended to be endorsed, with the proposed SGP modification to the proposed intersection of Grono Rd & Darling Range Dr being advertised for comment prior to determination.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

“Development - To balance the needs of development with sustainable economic, social & environmental objectives”.

Legislation Implications

Town Planning Scheme No.2.
Town Planning & Development Act 1928.

Council Policy / Local Law Implications

Deed of Agreement between the City of Armadale and the developers of Churchman Brook Estate dated December 1994.

Budget / Financial Implications

Future maintenance obligations associated with the proposed community facilities, once the facilities are handed over to Council.

Consultation

- ◆ Council's Property Management Department
- ◆ Council's Recreation Services Department
- ◆ Council's Parks & Reserves Department
- ◆ Council's Design, Traffic & Development Department

BACKGROUND

Amendment No.92 to Council's Town Planning Scheme No.2 rezoned Lots 50, 51 & 7 Churchman Brook Road, Bedforddale to 'Special Use Zone No.69 – Rural Residential', which facilitated the development of Churchman Brook Estate. As part of the Amendment process, the developers entered into a Deed of Agreement with Council in December 1994, to ensure the timely development of community facilities, road construction, and landscaping / revegetation on land within the application area.

Subdivision works have progressed within the estate. In accordance with the requirements of the deed, the developers have submitted an application to construct the proposed community facilities and shop within the estate. In addition, the developers have also requested minor revisions to the endorsed Subdivision Guide Plan, to create the proposed shop on a separate lot and to limit through traffic through Grono Road to emergency vehicles only.

DETAILS OF PROPOSAL

Proposed Shop

The proposed shop will consist of a brick and Colorbond structure with a total floor area of approximately 155m², and is to be located on the north-western corner of Waterwheel Road North and Darling Range Drive. This lot is allocated as a shop site within the Subdivision Guide Plan (SGP) for Churchman Brook Estate. The lot does not exist at this stage, with the roads to be extended to front the lot during the next stage of subdivision.

This lot also represents a minor variation to the endorsed SGP for the estate by enlarging the lot to permit the establishment of a dwelling and shop on the same lot. This co-location has been proposed by the applicant to improve the viability of the retail operation. No plans have been submitted for the construction of a residence on the lot at this stage.

The shop will offer a total floorspace of 80m², consisting of 60m² for retail purposes and 20m² for an associated café. The shop is to have a south-westerly aspect, providing surveillance over the adjacent open space and proposed community facilities. Office, kitchen and storage facilities are to be located to the rear of the lot.

Darling Range Drive is proposed to extend beyond the roundabout with Waterwheel Road North to create a cul-de-sac in front of the shop, incorporating 22 car parking bays to be shared between the shop and community facilities. Three parallel car bays are also proposed within the Waterwheel Road North road reserve adjacent to the shop site.

The site is centrally located within the Special Use – Rural Residential cell of Churchman Brook Estate, Camfield Estate and other estates between Churchman Brook Road, Canns Road and Waterwheel Road, with good pedestrian and road linkages to these estates and the surrounding rural locality.

The elevations of the proposed shop are consistent with requirements of the restrictive covenants for the estate, being designed in a rural style with a roof pitch of 27 degrees, and incorporating wide verandas to the west, east and south of the development.

Proposed Community Facilities

The proposed community facilities are to consist of a Community Hall, village green, two tennis courts and an ornamental lake. The facilities are to be included within a proposed 1.49 ha Public Open Space (POS) reserve, on the north-western corner of the intersection of an unconstructed subdivisional road and Waterwheel Road North, which is also not constructed at this stage.

The proposed Community Hall is to contain a hall of approximately 72m², with associated kitchen, toilet and storage facilities of approximately 50m². The hall incorporates large windows and doors looking out over the public space to the west and south, and to the east towards Waterwheel Road North. Wide verandas are proposed around the building, with a central portico providing an entry statement to the road frontage. The toilets have been positioned to the north of the development, to permit access by the general public if required.

A car parking provision of 19 bays has been allocated for the community facilities, consisting of 15 bays for the hall and 2 bays for each tennis court. These bays are to be located within the Waterwheel Road North road reserve, and within a shared car park with the proposed shop.

Proposed Modifications to the Endorsed Subdivision Guide Plan

The developers have proposed two minor modifications to the endorsed SGP, arising from the proposed developments and from existing residents within the estate. The first modification involves adjustments to the proposed lot area of the lot accommodating the shop and the adjoining lot, to increase the size of the lots to 4006m² and 4665m² respectively. This has been proposed to facilitate the development of a dwelling on the shop site. The developers have verbally advised that the co-location of the shop with a dwelling would reduce the operating costs of the shop, and improve the viability of the operation.

The second modification involves a modification to the proposed intersection between Grono Road and Darling Range Drive. This intersection and extension of Darling Range Drive is currently not constructed at this stage, and it is proposed to modify the intersection by creating a cul-de-sac head, and reducing the road reserve width between the head and the intersection with Darling Range Drive to a 2.8 metres wide brick paved accessway.

The subject section of Grono Road is proposed within the endorsed SGP to divide a section of Public Open Space along Darling Range Drive. The proposed modification would improve pedestrian connectivity within the POS reserve and limit through traffic within Grono Road to emergency vehicles, service vehicles and emergency fire access. Bollards would prevent vehicle access to the POS.

COMMENT

Town Planning Scheme No.2 Provisions

Within the Special Use zone No.69 provisions, 'Community Centre' and 'Public Recreation' uses are permitted. A 'Shop' is a discretionary use, and may be considered in the location identified on the Subdivision Guide Plan.

The proposed developments are consistent with the requirements of the zone. The Special Use provisions do not include development standards for the proposed uses, and the applicant has used car parking standards from the 'Shopping' zone of 8 bays per 100m² Gross Floor Area in determining the car parking provision for the shop, which would equate to a minimum of 6 bays for this use. In terms of the Scheme, the car parking requirement for a 'Civic Hall' in other zones such as the 'Shopping' zone is at the discretion of Council.

A total provision of 35 bays has been included within the development, consisting of 22 bays within a car park to the west of Waterwheel Road North, and 12 parallel bays within the road reserve of Waterwheel Road North. The proposed car park also has provision for overflow car parking of approximately 15 bays. Based upon the Scheme provisions relating to car parking, and the nature of uses occurring on the site, it is considered that the proposed car parking provision will be acceptable and meet the anticipated demand on the site.

Deed of Agreement between Council and the Developers of Churchman Brook Estate

The Deed of Agreement between Council and the developers of Churchman Brook Estate specifies that the developers shall make application to Council for approval to construct the community facilities prior to the date on which fifty dwellings are occupied within the estate. The facilities shall be made available to the developers for use as a sales office but shall be handed over to a Community Association within the estate (once formed) not later than three summers from the last date of completion.

'Community Facilities' are defined within the deed as:

"...the facilities provided for community use ... containing not less than two tennis courts, a village green, a hall and a lake to be constructed and developed by the developers, the hall being not less than 150m² in area, of masonry or other construction agreed to by the Council of the Municipality, and containing toilets and kitchen facilities."

Based upon the above, the submitted proposal is consistent with the developer's obligations within the deed.

Building Usage Assessment Report

In the second half of 2001, Council's Technical Services Directorate engaged a consultant to review the condition and usage of the City's public buildings, to assist in determining Council's future expenditure on upgrading and maintenance of its buildings. The consultant's report has been completed, and is anticipated to be presented to Council within the next few months.

A community hall is already provided within the Bedfordale locality on Admiral Road, consisting of a brick and iron structure with a hall, kitchen and toilet facilities, bitumen tennis/basketball courts and playground equipment. This facility was upgraded by Council for use by the Bedfordale Residents Association, however the Association recently handed the building back to Council, and the building currently receives very little community use.

Given that Council has not yet considered the report on usage and maintenance of its existing buildings, the request to approve the development of an additional community building could be considered to be premature at this stage.

Analysis

The proposed shop site has been identified within the Subdivision Guide Plan for Churchman Brook Estate since 1994, and represents the only site within the Bedfordale locality where the sale of convenience items may be considered, aside from the service station on Albany Highway east of Springfield Road. The site is reasonably well positioned within its catchment population, and its co-location on the lot with a dwelling will improve the viability of the operation.

The elevations of the shop are consistent with the restrictive covenants for the estate, and will complement the future Rural Residential development and the adjacent public open space. The positioning of the shop close to the open space facilities, with the proposed modification to the SGP to permit the development of a residence for the shop owner, also provides opportunities for the management and supervision of the open space facilities by the operator of the shop. Consequently, these aspects of the proposal may be supported.

The proposed improvements to the public open space site, consisting of the village green and tennis courts, will provide a space within the locality for informal active recreational pursuits. The ornamental lake, in conjunction with landscaping works within the site, will enhance the visual appearance of the public space. The majority of land identified as public open space within the SGP for the estate contains significant stands of mature vegetation, so the development of the community facilities will address an existing demand within the estate.

The proposed modification to the SGP, to reduce the scale of the intersection of Grono Road and Darling Range Drive, will also improve pedestrian safety and movement within the proposed open space reserve, without adversely affecting vehicle movement or emergency access in this location. This modification has been proposed by the developers following the submission of a petition from residents to close the road, but the City has not consulted with residents in the estate at this stage. Whilst the modification is minor in nature, it is recommended that Council consult with landowners who may be affected by the modification, prior to making a final determination on this aspect of the proposal.

Council's legal agreement with Churchman Brook Estate specifies the development of a Community Hall on the subject site, but it appears that the demand for such a facility may have changed significantly since this agreement was entered into. The development of the community facilities including the hall has been an integral component of the marketing of the estate, and there will be an expectation amongst property owners within the estate for the hall to be developed. Nevertheless, an investigation of existing facilities within the City indicates that the existing Community Hall within the Bedforddale locality is currently under-utilised, and this information is still to be presented to Council for its consideration.

It is recommended that Council's consideration of the proposed Community Hall be deferred, pending the outcome of Council's consideration of the Building Usage Assessment Report. Council's officers should further review the Deed of Agreement between Council and Churchman Brook Estate, should it be determined that the proposed Community Hall is not required at this stage.

CONCLUSION

The development of the proposed shop and community facilities are consistent with Council's Town Planning Scheme requirements, endorsed Subdivision Guide Plan and deed of agreement applicable to Churchman Brook Estate, and should result in benefits to current and future residents with respect to the provision of retail and open space facilities. The proposed modifications to the endorsed Subdivision Guide Plan for the estate are considered to be minor in nature, and will result in benefits to the locality through improved viability for the proposed shop, and reducing the impact of subdivisional roads on proposed areas of Public Open Space.

The determination of the proposed Community Hall is considered premature at this stage, given Council's imminent consideration of usage and maintenance obligations relating to the existing Bedforddale Hall, and it is recommended that this component of the application be deferred.

D35/02

RECOMMEND

- 1. That Council approve the application to construct the proposed shop and community facilities within Churchman Brook Estate on Lots 9001 and 9002 Churchman Brook Road, Bedforddale subject to conditions including the following principal requirements:**
 - a) All development to be constructed with suitable materials and in colours complementary with the rural landscape character, to the satisfaction of the Planning Services Manager.**
 - b) The submission of a comprehensive landscaping plan for the shop and public open space area to the satisfaction of the Manager Parks. All work is to be carried out as per the approved plan to the satisfaction of the said officer.**

- c) **All hard standing areas including car parking areas, crossovers and driveway vehicle manoeuvring areas shall be constructed, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Manager Technical Services.**
2. **That Council defer consideration of the proposed Community Hall, pending the outcome of Council's consideration of the Building Usage Assessment Report.**
3. **That Council approve the proposed modifications to the endorsed Subdivision Guide Plan for Churchman Brook Estate, to increase the size of the proposed shop lot to permit the development of a dwelling on the lot, and forward the modifications to the Western Australian Planning Commission for its adoption.**
4. **That Council resolve to advertise the proposed modification to the endorsed Subdivision Guide Plan, to alter the proposed intersection of Grono Road and Darling Range Drive to restrict access to service and emergency vehicles to residents within the estate who may be potentially affected prior to making a final determination on the matter.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

BUILDING APPLICATION INFORMATION - PROVISION TO THE PUBLIC

WARD : ALL
FILE REF : BLD/1
DATE : 14th February 2002
REF : IT
RESPONSIBLE : BSM
MANAGER

In Brief:-

- Item dealing with the City's current practice of selling restricted information relating to Building Approvals to the public.
- Item contemplates the cessation of the practice in acknowledgement of a growing community call for information confidentiality.
- Recommendation that the City cease to provide the information from the adoption of the 2002/2003 budget.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Nil.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

A minor reduction of income (approximately \$900).

Consultation

- ◆ Sample of other Local Governments

BACKGROUND

For many years the City has provided a copy of Building Licence statistics approved during the proceeding month to purchasers for an annual subscription of \$75. In some cases the lists are purchased by industry monitoring enterprises, but in the majority of cases suppliers of pools, carpets or other suppliers purchase the lists. In most instances they use the information to target their marketing activities.

Added to the marketing benefits for local business it was felt that providing the information ensured that, as far as possible, the City maximised the provision of information to the community, where it was considered that there was no resulting privacy impact.

In the current year twelve companies have subscribed to the service and receive a monthly copy of statistics applicable to Building Licences issued during the preceding month.

The City does receive a small, but an increasing, amount of feedback from the community expressing concern that supplying some of the information contained in the lists has an impact on their privacy. In most instances the issue first comes to a resident's notice when they receive an increase in un-solicited mail soon after a Building Licence is issued for a building on their lot.

In order to enhance the protection of privacy the City gives the builder/client an option to place a restriction on the provision of information applicable to their site.

In recent months some builders have advised the City that all their clients details should remain confidential. The Building Department has taken steps to comply with this request. With more applicants electing to restrict the distribution of information it has become administratively more difficult to ensure that information is appropriately protected.

DETAILS OF PROPOSAL

It is considered that growing community concerns and the arguments for the protection of privacy now outweigh the benefits to the business community who purchase some of the information.

The above, combined with recent adverse media attention focussed on the sale of this type of information by other Local Governments is the catalyst for recommending in this report that the sale of the information relating to Building approvals be discontinued from the beginning of the next financial year. Timing the cessation of the service with the end of the current financial year will allow the City to meet its commitments to those parties who have paid the annual subscription, which ends on June 30.

Increasing income levels in City's Property Inspection and Enquiry Services will easily accommodate the minor loss of income that will occur if the recommended action is instigated.

OPTIONS

Option 1 Discontinue providing details of building approvals to members of the public on the basis that there is an increasing call for the information to remain confidential between the City and the applicant.

Option 2 Take no action.

CONCLUSION

A decision to cease distributing Building Licence statistical information to any parties other than those entitled under law to obtain the information will ensure that the City's practices change to meet stronger community calls for privacy of information.

D36/02

RECOMMEND

That Building Approvals information cease to be made available by the City for purchase effective from the adoption of the City's 2002/2003 budget.

MOVED Cr Zelones
MOTION CARRIED (7/0)

SETBACK VARIATION - LOT 177 GRIFFITHS STREET, KELMSCOTT

WARD : KELMSCOTT
FILE REF : A83183
DATE : 27 February 2002
REF : SLH
RESPONSIBLE MANAGER : BSM
APPLICANT : ESE Patios
LAND OWNER : L & P Tyrell
SUBJECT LAND : Property size 804m²
Map 23.07
ZONING : Urban / Residential
MRS/TPS No.2 "R 15"

In Brief:-

- Proposal to construct a metal – framed 'Colorbond' cream finish carport / patio with a reduced front boundary setback.
- Recommendation for approval on the grounds of the unlikely adverse impact on the streetscape and neighbouring properties.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle. Development – to balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Metropolitan Region Scheme
Town Planning Scheme No.2
Residential Planning Codes

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- ◆ The proposal was advertised to six (6) neighbouring property owners for comment.

BACKGROUND

Under the Residential Planning Codes, the minimum setback from the primary street alignment may be reduced by up to 50%. Notwithstanding the minimum setbacks specified in the Codes, Council may, in a particular case, allow a lesser setback, provided that in doing so Council shall have regard to the objectives set out in the Codes and the effect such variation on the amenity of any adjoining lot, the existing and potential future use and development of any adjoining lots, and existing setbacks from the street alignment in the immediate locality.

DETAILS OF PROPOSAL

The applicant proposes to construct a metal – framed ‘Colorbond’ smooth cream finish carport / patio attached to and forward of the existing dwelling with a reduced front boundary setback of 2.0m and a 7.5m setback to the secondary street.

As the proposed carport / patio, which is attached to the roof of the existing dwelling, is located forward of the existing building line (ie a 2.0m reduced front boundary setback) the application has been referred to Council for determination.

COMMENT

Consultation was undertaken with the adjacent landowners who may be affected by the structure and the reduced front boundary setback of 2.0m, however no objections were received.

Analysis

Officers have visited the site and confirmed the following:

- ◆ The property is located on the corner of Griffiths Street and Weston Terrace with the dwelling facing Griffiths Street 4.0m from the front boundary at its closest point.
- ◆ The site falls across from the left – hand boundary towards Weston Terrace approximately 2.0m with an existing elevated paved area located at the front of the residence retained with a tiered rock wall.
- ◆ The existing dwelling is a single storey brown brick and tiled roof with the proposed skillion roofed carport / patio attached to the existing roof with concealed brackets.
- ◆ There are existing shrubs and an established tree on the road reserve, both of which provide screening of the proposed development.
- ◆ The primary concern with this application was whether the development would have an adverse affect on the amenity of the adjoining lots and streetscape given the proposed front setback variation.
- ◆ The elongated configuration of the lot combined with the centrally located dwelling restricts development hence the proposal to locate the carport / patio in the front setback area.

Options

In consideration of the above, it is believed that there are two options available to Council.

Option 1 Approve the application.

Option 2 Request that the applicant submits an amended proposal, which details the location of the carport / patio at a minimum setback of 3.0m from the front boundary, however the structure would then be unsuitable for the purpose intended.

CONCLUSION

Officers concur with the positive views expressed by the adjacent owners and consider that it is unlikely that this proposal will have an adverse impact on the surrounding properties or the streetscape and is therefore recommended for approval.

D37/02 RECOMMEND

That the application to construct a metal – framed with ‘Colorbond’ finish carport / patio with a front setback variation of 2.0m on Lot 177 (No.11) Griffiths Street, Kelmscott be approved.

MOVED Cr Zelones
MOTION CARRIED (7/0)

CARPORT - LOT 3 (NO.7) DIXIE ROAD, KELMSCOTT

WARD : KELMSCOTT
FILE REF : A77738
DATE : 27 February 2002
REF : SLH
RESPONSIBLE : BSM
MANAGER
APPLICANT : A & I Wickham.
LAND OWNER : A & I Wickham
SUBJECT LAND : Property size 1 547m²
Map 22.05
ZONING : Urban / Residential
MRS/TPS No.2 "R 12.5"

In Brief:-

- Proposal to construct a 30m² metal – framed carport with ‘Colorbond’ merino finish posts and ‘Zincalume’ finish roof sheeting.
- Located in the rear right-hand corner of the property approximately 20.0m from the rear boundary and 1.0m from the right – hand side boundary.
- Recommendation for approval on the grounds of the unlikely adverse impact on the streetscape and neighbouring properties.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle. Development – to balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Policy 4.5.20 Outbuildings in Residential and Rural Areas

Budget / Financial Implications

Nil.

Consultation

The proposal was advertised to five (5) neighbouring property owners for comment.

BACKGROUND

Under the City's 'Outbuildings' Policy' the maximum aggregate floor area allowable is 92.0m² for this lot being 1 547m². As the proposed maximum aggregate floor area exceeds this requirement (ie the proposed carport is 30m² and the existing garage is 67.5m²), the application requires Council's determination.

DETAILS OF PROPOSAL

The new carport, which is proposed to be located at the rear of and attached to the existing garage, is to shelter the owners' caravan. The existing garage houses the owners' vehicles, tools and garden implements.

COMMENT

Consultation was undertaken with the adjacent landowners who may be affected by the location of the oversize outbuilding. Five (5) responses were received, all of which were 'no objections'.

Analysis

Officers have visited the site and considered that the proposal is unlikely to have an adverse impact on the adjacent neighbours or the streetscape given the proposed location, which is in the rear right – hand corner of the subject lot screened from view by the main dwelling and existing vegetation.

Options

In consideration of the above, it is believed that there are two options available to Council.

- Option 1 Approve the application as submitted.
- Option 2 Request that the applicant submits amended plans of the carport with a reduced floor area of 25m² to comply with Council's Outbuildings' Policy, however the structure would then be unsuitable for the purpose intended.

CONCLUSION

Officers concur with the positive views expressed by the adjacent owners and consider that it is unlikely that this proposal will have an adverse impact on the surrounding properties or the streetscape and is therefore recommended for approval.

D38/02 RECOMMEND

That the application to construct a 30m² metal – framed with 'Colorbond' finish posts and 'Zincalume' finish roof carport attached to the rear of the existing garage on Lot 3 (No.7) Dixie Road, Kelmscott be approved.

MOVED Cr Zelones
MOTION CARRIED (7/0)

ZINCALUME ROOF - LOT 68 (NO.114A) HOLDEN ROAD, ROLEYSTONE

WARD : ROLEYSTONE
FILE REF : A238342
DATE : 5 March 2002
REF : SLH
RESPONSIBLE : BSM
MANAGER
APPLICANT : J Tullet & C Cox
LAND OWNER : J Tullet & C Cox
SUBJECT LAND : Property size 2 003m²
Map 26.08
ZONING : Urban / Residential "R5"
MRS/TPS No.2

In Brief:-

- Proposal to construct a residence utilising 'Zincalume' coated roof sheeting.
- Application advertised and 'no objections' received.
- Recommendation for approval on the grounds of the unlikely adverse impact on the adjacent properties or streetscape due to the topography of the land and extensive screening by vegetation.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle. Development – to balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Policy 4.5.19 Use of Zincalume Roofing Materials on Residences within Residential Areas

Budget / Financial Implications

Nil.

Consultation

- ◆ The proposal was advertised to seven (7) neighbouring property owners for comment.

BACKGROUND

Under the City's Town Planning Scheme No.2 a single house on land zoned for residential purposes a landowner requires Council's approval if proposing to utilise materials on the roof or walls which are highly reflective or likely to cause glare. In terms of Council Policy 4.5.19 where an applicant refuses to modify the design to use less reflective materials the application is referred to the Development Services Committee.

DETAILS OF PROPOSAL

An application has been received from the owners of the above property requesting Council's approval to amend the roof finish on the submitted documents from 'Colorbond' beige to 'Zincalume' coated material for the residence proposed to be constructed on the subject lot.

COMMENT

Consultation was undertaken with the adjacent landowners who may be affected by the proposed reflective roof sheeting. Seven (7) responses were received, all of which were 'no objections'.

Analysis

Officers have visited the site and considered the following:

- ◆ The property is a rear battleaxe block with access via a driveway located off Holden Road.
- ◆ The site is relatively level with a cross - fall of approximately 3.00m (ie 1: 10 gradient).
- ◆ The site has been partially cleared, within the building envelope, in readiness for construction. The remaining area is natural bushland, which shall be retained.
- ◆ The proposed dwelling, which is located lengthwise on the block, is single storey, double brick with a hip roof and feature gablet. The roof is proposed to be pitched at approximately 25 degrees.
- ◆ The surrounding properties are all residential developments.

The primary concern with this application was whether the selected roof material would have an adverse affect on the amenity of the adjoining property owners and streetscape.

The proposed location of the dwelling, given that the site is a rear battleaxe, is nestled amongst the bushland setting and hardly visible from the street.

Options

In consideration of the above, it is believed that there are two options available to Council.

Option 1 Support the application to utilise 'Zincalume' coated roofing materials.

Option 2 Revert to the original proposal to utilise a 'Colorbond' beige roof finish.

CONCLUSION

Officers concur with the positive views expressed by the neighbours and consider that it is unlikely that this proposal would have an adverse impact on the surrounding properties and streetscape and is therefore recommended for approval.

Officer's report recommends –

That the owners' request for Council to issue Planning Consent to allow the use of 'Zincalume' coated roofing materials on the proposed residence on Lot 68 (No.114A) Holden Road, Roleystone be approved.

Committee was of the view that the use of highly reflective roof sheeting material on the proposed residence would have an adverse impact on adjacent properties and would be inconsistent with recent decisions not to approve the use of highly reflective roof sheeting materials in the sloping topography areas of the City.

D39/02

RECOMMEND

That the owners' request for Council to issue Planning Consent to allow the use of 'Zincalume' coated roofing materials on the proposed residence on Lot 68 (No.114A) Holden Road, Roleystone be refused because of its likely adverse impact on adjacent properties.

MOVED Cr Stubbs
MOTION CARRIED (7/0)

OVERSIZE STORAGE SHED - LOT 74 (No.5) EATTS ROAD, ROLEYSTONE

WARD : ROLEYSTONE
FILE REF : A120816
DATE : 6 March 2002
REF : GWS
RESPONSIBLE MANAGER : BSM
APPLICANT : Coastline Sheds
LAND OWNER : B Findlay & G Reffell
SUBJECT LAND : Property size 2 026m²
Map 26.07
ZONING : Urban/Residential 'R5'
MRS/TPS No.2

In Brief:-

- Proposal to construct an 114m² metal-framed storage shed with 'Colorbond' (rivergum green) finish cladding and roof sheeting.
- Located in the rear left-hand corner of the lot 1.5m from the respective boundaries.
- Recommendation for approval on the grounds of the unlikely adverse impact on the adjacent neighbours and streetscape.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle. Development – to balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Policy 4.5.20 Outbuildings in Residential and Rural Areas

Budget / Financial Implications

Nil.

Consultation

The proposal was advertised to five (5) neighbouring property owners for comment.

BACKGROUND

Under the City's 'Outbuildings Policy' the maximum aggregate floor area allowable is 107m² for this lot being 2 026m². As the proposed maximum aggregate floor area exceeds this requirement (ie the proposed storage shed is 114m²), the application requires Council's determination.

DETAILS OF PROPOSAL

The new storage shed is proposed to house the owners' two vintage vehicles and small domestic workshop. Discussions with the applicant, prior to reporting to Council, confirmed that the storage shed was to be used for domestic purposes only.

COMMENT

Consultation was undertaken with the adjacent landowners who may be affected by the outbuilding. Two (2) responses were received, one of which was a 'no objection'. The response, which objected to the proposal, was in relation to the usage of the storage shed (ie noisy projects and any storage of chemicals).

Analysis

Officers have visited the site and considered that the proposal is unlikely to have an adverse impact on the adjacent neighbours or streetscape given the proposed location, which is in the rear corner of the subject lot screened from view with existing vegetation, fencing and the main dwelling.

Options

In consideration of the above, it is believed that there are two options available to Council.

- Option 1 Approve the application as submitted.
- Option 2 Reduce the area of the proposed storage shed to 107m² to comply with Council's Outbuildings' Policy.

CONCLUSION

Officers concur with the positive view expressed by the adjacent neighbour and consider that it is unlikely that this proposal would have an adverse impact on the surrounding properties or the streetscape and is therefore recommended for approval.

D40/02

RECOMMEND

That the application from Coastline Sheds to construct an 114m² metal - framed with 'Colorbond' (Rivergum green) finish storage shed on Lot 74 (No.5) Eatts Road, Roleystone be approved.

MOVED Cr Stubbs
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Cr Stubbs

1. Outbuildings in Residential and Rural Areas Policy

Cr Stubbs expressed a view that Council's current policy No.4.5.20 "Outbuildings in Residential and Rural Areas" was in need of review to ensure that the policy adequately meets the communities aspirations to retain residential amenity while allowing the approval of reasonably sized outbuildings to service the storage needs of residents.

D41/02

RECOMMEND

- 1. That officers review Council's Policy No. 4.5.20 "Outbuildings in Residential and Rural Areas" with the view of developing options to enhance the policy's control of outbuilding floor area and wall heights.**
- 2. That the Draft policy be referred to the Development Services Committee for consideration.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

IMMUNISATION

WARD : All
FILE REF : HLT/8
DATE : 19 February 2002
REF : PM
RESPONSIBLE : HSM
MANAGER

In Brief:-

- Council last June endorsed continuation of the partnership in free immunisation delivery between the City and Armadale Health Service and resolved that the service be reviewed in March this year prior to consideration of the extension of the agreement.
- In the meantime, the Department of Health is proposing a statewide school Hepatitis B program, for which it will pay a fee to participating agencies.
- Recommendation for:
 - continuation of the partnership;
 - participation in the Hepatitis B program; and
 - distribution of fees paid relative to the input of the two agencies.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Strategic Plan seeks to “increase immunisation and preventative health care”.

Legislation Implications

Section 340 of the *Health Act 1911* authorises local government to provide immunisation services but there is no obligation to do so.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Collaborative immunisation delivery in partnership with Armadale Health service has resulted in a saving of around \$8000 per year. The schools project will result in a modest additional expenditure (about \$750) in payment to casual staff during both 2001-2 and 2002-3, and is expected to generate an income of around \$6,000 during 2002-3.

Consultation

There has been preliminary discussion with:

- ◆ Department of Health;
- ◆ Armadale Health Service; and
- ◆ Environmental Health Officers.

BACKGROUND

At its meeting of 18th June 2001 Council resolved:

1. *That Armadale Health Service be invited to partner the City in provision of the free community immunisation for a further 12 months until 30th June 2002.*
2. *That a review of the service be undertaken in March 2002 prior to discussion on a further extension of the agreement.*

RECENT DEVELOPMENTS

Both Armadale Health Service and Council have been approached by the Department of Health requesting participation in a state wide schools based Hepatitis B Immunisation Program.

Hepatitis B is an infectious disease of the liver causing illness whose usual symptoms include tiredness, loss of appetite, nausea, weight loss, abdominal discomfort and jaundice, with fever, arthritis and rashes occasionally occurring. Transmission is by blood, semen and other bodily fluids and most new cases in Australia are aged between 15 and 30 years. About 5% of cases remain infected for many years and are asymptomatic carriers. About 1% of patients with acute infection die, and about 20% of carriers die prematurely of either cirrhosis or liver cancer.

Briefly, what is proposed by the Department is that:

- ♦ the City of Armadale/Armadale Health Service immunisation team will visit each primary school on two occasions, four to six months apart, to provide, for those Year 7 students whose parents have indicated consent, free Hepatitis B vaccination; and
- ♦ for each notification of a vaccination encounter the Department will pay the responsible agency (local government or health service) a \$12 fee.

COMMENT

Analysis

The partnership with the Health Service in provision of community immunisation, into which the City entered some 18 months ago, has proved to be successful overall, and Clinic attendances continue to be at a much higher level than a few years ago. The provision by Armadale Health Service of a nurse to provide immunisations has resulted in significant savings, with the service now costing about half as much to operate as it did previously. Despite this contribution, the Health Service has not sought to share in the payment of \$6.00 per encounter (around \$2,500 per year) that the City receives from the National Immunisation Registry.

With respect to the proposed Hepatitis B Program, immunisation is considered to be a most valuable intervention that has been the focus of Immunisation Clinics at Armadale Shopping City for the past two years. Involvement would be consistent with Council's previously expressed commitment to broadening of its immunisation service.

In preliminary discussion the Health Service, through its School Nursing Team, has offered to:

- ◆ undertake all required promotion within the schools;
- ◆ seek the necessary parental consents;
- ◆ arrange scheduling of visits to the schools; and
- ◆ provide two nurses for each clinic.

The City's role would be:

- ◆ provision of two officers for administrative/organisational work on school clinic days; and
- ◆ notification to the Department of Health of completed vaccination programs.

Given that the Health Service would be undertaking by far the bulk of additional work involved, distribution of the Department of Health fee of two thirds to the Health Service and one third to the City has been considered fair by both parties, conditional upon agreement by Council.

Through enquiries with primary schools throughout the district it is estimated that there are about 1,000 current Year Seven students. Assuming 75% of these were vaccinated, the City could expect to receive about \$6,000 under this distribution arrangement. Because of the demand the program would place upon resources, however, with possibly two mornings per week being committed for about six weeks, commencing probably in April and repeated later in the year, it will in all likelihood be necessary to engage casual staff at a total cost of about \$1,500. The net gain to the City would therefore be in the order of \$4,500.

Options

Council needs to decide firstly whether to continue the partnership in immunisation delivery with Armadale Health Service, and its immediate options in this respect are:

- ◆ continue the arrangement for a further 12 months;
- ◆ seek the services of a medical officer; or
- ◆ abandon the immunisation service altogether.

With regard to the proposed Year 7 Hepatitis B program, the essential issue for Council's determination is whether the proposed distribution of the Department of Health fee on a two-thirds/one third basis in favour of Armadale Health Service is acceptable. Options are:

- ◆ take part in the program, and share the fee payable by the Department of Health two thirds/one third in favour of Armadale Health Service;
- ◆ take part in the program conditional upon negotiating a fee distribution ratio more favourable to the City; or
- ◆ determine not to take part in the program at all.

Conclusion

The ongoing partnership between the City and the Armadale Health Service provides a clear community benefit both in delivery of free immunisation and in the positive message conveyed to the community by involvement and partnership of government agencies.

As has previously been reported, the prospect of finding a doctor to provide the service is not high, and in any event the arrangement with the Health Service is much more cost effective. Continuation of the current arrangement is therefore recommended.

As to the fee distribution for the proposed Hepatitis B program, there is no doubt as to the community value of Council's participation in the program, and in view of the facts that:

- ◆ both the Armadale Health Service and the City will contribute approximately equally to clinic operations;
- ◆ preparatory work will be undertaken almost entirely by the Health Service;
- ◆ the notification component will have a relatively minor impact upon routine operations; and
- ◆ the Health Service contributes a nurse to regular scheduled clinics and does not share in the City's payment from the National Immunisation Registry

One-third payment to the City is considered to be very fair.

D42/02 RECOMMEND

- 1. That Armadale Health Service be invited to partner the City in provision of the free community immunisation for a further 12 months until 30th June 2003.**
- 2. That a review of the service be undertaken in March 2003 prior to discussion on a further extension of the agreement.**
- 3. That Council agree to participate in the schools based Hepatitis B vaccination program proposed by the Department of Health.**
- 4. That disbursement of the vaccination fee paid by the Department of Health to participants in the program be on the basis of one third to Council and two thirds to Armadale Health Service.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

Health Services Manager advised that Minutes of the Brookdale Waste Management Stakeholder Reference Committee Meeting (11th February 2002) and Minutes of the Brookdale Liquid Waste Treatment Facility Air Emission Concerns Meeting (26th February 2002) will be incorporated in the next Council Information Bulletin.

COUNCILLORS' ITEMS

Nil.

***FINAL APPROVAL - SCHEME TEXT AMENDMENT No.168 – TPS No.2 -
DEVELOPMENT CONTRIBUTIONS PLAN & COST APPORTIONMENT SCHEDULE -
FORRESTDALE INDUSTRIAL BUSINESS PARK***

WARD : FORREST
FILE REF : SCH/2/168
DATE : 6 March 2002
REF : JR
RESPONSIBLE MANAGER : PSM

In Brief:-

- Advertising has been completed in accordance with the Town Planning Regulations.
- Amendment No.168 has been revised and updated subsequent to finalisation of the MST provisions for Development Contribution Plans and consideration of public submissions.
- Recommendation to adopt Amendment No.168, with modification, for final approval and Gazettal.
- Recommendation to circulate the associated Cost Apportionment Schedule upon Gazettal.

APPLICANT : Project Co-ordinator Taylor Burrell and Wood & Grieve Engineers (for City of Armadale)

LANDOWNER : Various landholdings recently rezoned under Amendment No.148 and included in the Development Area and Structure Plan for the Forrestdale Industrial Business Park.

SUBJECT LAND : 183ha of land bounded by Armadale Road, Ranford Road, Tonkin Highway Reservation and Wungong Brook

ZONING
MRS / TPS No.2 : MRS - Industrial
TPS No.2 - General Industry Zone/Industrial Business Development Zone

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Armadale Strategic Plan - Long Term Strategic Planning:

Item 1.3 Complete the preliminary planning requirement for the Forrestdale Industrial Business Park

Southern River / Forrestdale / Brookdale / Wungong District Structure Plan - Amendment No.168 implements the equity mechanism and sequencing of development that was recommended in the District Structure Plan.

Legislation Implications

The amendment is required to accord with the Western Australian Planning Commission's Model Scheme Text (MST) for Development Contributions (Planning Bulletin No.41), which is being incorporated into the Scheme under Amendment No.157 and WAPC policy for Developer Contributions (Planning Bulletin No.18 of February 1997).

Town Planning and Development Act (1928) as amended and the Local Government Act 1995. Any disputes with owners are to be resolved by the Commercial Arbitration Act 1985.

The site also falls within the jurisdiction of the Armadale Redevelopment Authority Act 2001.

Council Policy / Local Law Implications

Planning Policy and Development Guidelines for the Forrestdale Industrial Business Park (draft) - the estate development will be subject to this policy, which Council will be considering for final adoption at a forthcoming meeting.

Budget / Financial Implications

Administration of Finances

The City and/or its agents will be required to manage the Development Contributions Plan, receiving funds from landowners when subdivision proceeds and in some cases paying out landowners who will be required to give up land for major roads, drainage or public open space or who may choose to fund the initial infrastructure construction.

The provisions of Amendment No.157 require the establishment of a Reserve Account in accordance with the Local Government Act 1995 for each Development Contributions Area, and into which, all contributions will be credited and from which, all payments of the cost of Infrastructure and Administrative Costs will be paid. An audited annual statement of accounts will be provided to every owner who has a liability to make a cost contribution.

If there is a shortfall after the accounting for all the cost contributions, the City may fund the shortfall from its municipal fund, enter into agreements with owners for funding, raise loans or impose a differential rate for the area. Any excess funds are required to be used for additional facilities or improvements in the subject Development Contributions Area.

Landowners participating in the Steering Group have, together with Council, funded the day-to-day costs of work entailed in establishing the statutory planning framework for the Industrial Estate. The upfront contributions of these participating landowners (of approximately \$118,500 to date or 65% of the total costs incurred) will be credited and offset against their future proportional Cost Contribution liabilities for the statutory planning component of the Development Contribution Plan.

Economic Development

Industrial and commercial small lot development will promote further capital investment in Armadale which has a potential to complement development in the City Centre, providing for growth in job opportunities available to the wider community and providing fiscal revenues to the City from Rates.

Consultation

Internal:

- ◆ Manager Technical Services
- ◆ Project Manager
- ◆ Manager Finance Services

External:

- ◆ Consultants Taylor Burrell and Wood & Grieve Engineers and Subconsultants DTZ Australia et al;
- ◆ The Forrestdale Industrial Business Park. Steering Group;
- ◆ Landowners - consultation in respect to issues raised by individual owners continuous communication by means of formal Newsletters, regular correspondence and informal liaison;
- ◆ Armadale Redevelopment Authority / Department for Planning & Infrastructure.

BACKGROUND

Amendment No.157 was granted approval by the Minister for Planning and Infrastructure on 24th January 2002 subject to modifications to reflect recent changes to the MST. Amendment No.157 incorporates the WAPC's Model Text for Development Contribution Plans into TPS No.2 and provides the head of power and formal procedures for preparing and adopting "Development Contribution Plans" for specific areas such as Amendment No.168 – *see Attachment "A1" of the Agenda.*

A flow chart of how the various statutory planning component elements of the Forrestdale Industrial Park project inter-relate is provided in this report.

Following Council's October 2000 (D283/00) initiation of Amendment No.168 and the associated Development Scheme Cost Contributions report and Schedule, it was advertised directly for public comment from 20th December 2000 to 16th February 2001 in accordance with the requirements of the DPI and WAPC. A total of 15 submissions were received indicating general support but with some objections and concerns in respect to specific components – *see at Attachment "A1" of the Agenda.*

DETAILS OF PROPOSAL

Amendment No.168 is the first use of the new infrastructure cost sharing arrangements in the City of Armadale. It provides a method of facilitating development, in cases where existing landholdings are too fragmented to enable single large developers to provide the high costs and absorb the substantial investment risks associated with infrastructure provision. A Development Contribution Plan overcomes the failure of the market to facilitate development in these fragmented areas.

COMMENT

Forrestdale Industrial Business Park Steering Group

The Steering Group is chaired by the Executive Director Development Services and functions as an advisory group of landowner participants, overseeing the formulation of the statutory planning framework – the Zoning Plan, Development Contribution Plan and the Structure Plan and Policy Guidelines.

The Steering Group discussed Amendment No.168 at meetings on 14th February and July 23rd 2001. There was general consensus to proceed with finalising the planning framework for the estate, including the Development Contributions Plan under Amendment No.168, subject to suitable modifications such as providing a formula for more equitable compensation to land owners required to give up substantial areas of land for the purposes of drainage infrastructure and POS. This requirement of the Steering Group also reflected the need for equity among landowners differentially affected by different post-development land uses and land values that was expressed by the broader community in earlier consultation on the District Structure Plan.

The estate Structure Plan, which also had a considerable number of submissions is proposed to be considered for adoption at Council's April meeting.

Financial Feasibility Analysis

Amendment No.168 was supported and tested by a Financial Feasibility Analysis undertaken by consultants DTZ during the public submission period to examine overall financial impacts of developing the estate on landowners, including the shared costs proposed to be included in the Development Contributions Plan. The financial analysis addressed inter alia, two structure plan drainage options; a seven (7) basin linear option based on a more equitable dispersal of the burden of providing land for drainage; and a three (3) basin option, which while inequitable in terms of the burden of land requirements, nevertheless required considerably less land area and hence lower overall costs (\$3 million less).

The Financial Feasibility Analysis conducted in early 2001 suggested an internal Rate of Return in the range of 25% to 42% percent, indicating that the estate was a "marginal proposition" at the lower end, however, noting that with favourable circumstances (eg early extension of the Tonkin Highway to Armadale Road) there was potential to achieve the more viable result of 42% percent. Recognising the marginality of the development and the additional \$3 million which the seven (7) basin linear option would add to the common infrastructure costs, the Steering Group recommended the 3 basin option be adopted as it provided a modest yet much needed improvement in viability.

Schedule of Submissions

Project Co-ordinators Taylor Burrell, have submitted revised Amendment No.168 provisions and a revised Cost Apportionment Schedule, which responds appropriately to the WAPC requirements and the issues raised in submissions.

Detailed responses to issues raised during public consultation are in the Schedule of Submissions – *see Attachment "A1" of the Agenda.*

Many submissions raised issues, which relate to the estate Structure Plan or policy rather than the Development Contribution Plan. All issues are included in the Schedule. However, where more relevant to the Structure Plan, they will be further discussed and recommendations made when Council considers the final Structure Plan for adoption (proposed for April).

Contributions to partial funding of the ultimate Ranford Road realignment

The two most significant issues raised during the submissions period were firstly the requirement to contribute to partial funding of the ultimate Ranford Road realignment. This district distributor road clearly meet the WAPC policy for development contributions and the nexus between the road realignment and the industrial development is clearly established.

Notwithstanding, the City, in conjunction with the Armadale Redevelopment Authority, can continue to explore alternative means of funding such major infrastructure from state or federal sources, with any savings thus generated, being ploughed back to increase the viability of the estate by discounting of the landowners contribution for this item.

Contribution – equity between landowners affected by land required for drainage and POS and other landowners

The second significant issue was the fundamental inequity between landowners affected by land required for drainage and POS and other landowners that would arise under the arrangements proposed in the original draft A168 provisions. The Steering Group previously endorsed the concept of providing an additional compensation factor to landowners who will be required to give up the majority of the drainage land to compensate them for the inequitable incidence of land affected by drainage falling to only a few landowners.

The revised Development Contribution Plan has adopted the MST's "Fair Net Expectancy Value" for determining compensation values for land that is required to be acquired by the Scheme for common infrastructure purposes. The Project Co-ordinators propose that this valuation method, together with the inclusion of the realignment of Ranford Road into the Development (Contribution) Area, redresses the fundamental inequity that arose in the original format and raised in submissions.

Other Submissions

Other submissions related to: issues of terminology, injurious affection, the mechanisms and timing of compensation, non conforming uses, the 5 year life of the Plan, the potential for a Scheme Manager and legal agreements between owners and relocation of services, and are dealt with in the Schedule of Submissions. The Schedule notes where other matters are not directly related to Amendment No.168 and where appropriate, provides an explanatory response. Submissions raising issues concerning the estate Structure Plan have also been noted and will be dealt with in the finalisation of the Structure Plan.

Overall, the submissions received indicate a general support for the intent of Amendment No.168 with detailed matters raised in submissions addressed by the minor modifications that are included in the recommendation for adoption.

The testing of the Developer Contributions Plan by the Financial Feasibility Analysis concluded that, while it was considered marginal under the market conditions of the time (ie in early 2001), nevertheless the development of the estate was indicated as being feasible. The Developer Contributions Plan under Amendment No.168 was also demonstrated as an appropriate means to ensure the common infrastructure costs are shared equitably among all the participating landowners.

Conclusion

A high level of consensus has been achieved among the affected landowners in respect to the Amendment No.168 Development Contributions Plan. Notwithstanding the Steering Group members have expressed concerns that the currently indicated marginal financial feasibility of the estate, may represent a major impediment to its early development.

The Text provisions of Amendment No.168 have been recommended below for final adoption with modification, reflecting the supported submission points in addition to further modifications required by the Minister pursuant to the finalisation and Gazettal of Amendment No.157.

Modifications to the Text provisions of Amendment No.168

The final Text provisions of Amendment No.168 include the following modifications to:

- ◆ Accommodate the “Fair Net Expectancy Value” for determining compensation for land affected by common infrastructure such as drainage and POS requirements and the inclusion of the realignment of Ranford Road into the Development (Contribution) Area including both the south east portion in the vicinity of Lake Road and the smaller north west portion in the vicinity of the Tonkin Highway reservation (included in the Development Contribution Area, as indicated in the Appendix 3 plan - *see Attachment “A1” of the Agenda* (Submission No.7);
- ◆ Generally accord with the WAPC’s Model Scheme Text for Development Contributions and also referring to “Owners” rather than “landowners (Submission No.4);
- ◆ Listing and detailing the cost categories within the Development Contribution Plan such as Council administration, supervision, management and other statutory costs to provide for a greater degree of transparency and accountability (Submission No.6);
- ◆ Accord with the WAPC’s Model Scheme Text for Development Contributions which refers to an expiry date after 5 years (Submission No.6);
- ◆ Refer to relocation of services in Brigade Road in Item 1 of the Scheme Provisions;
- ◆ Refer to potential for a roundabout in addition to traffic lights in item 1;
- ◆ Accommodate wording more consistent with the final Model Scheme Text provisions for Development Contribution Plans and with the components of the statutory planning infrastructure covered by in Item 9 “Other Scheme Costs” in the Development Contribution Plan.

Schedule of Developer Scheme Cost Contributions

The Cost Apportionment Schedule of landowners contributions, which will be paid upon development (Appendix 4 of the Scheme Report), has also been modified to accommodate the WAPC MST and the recommendations on submissions as follows:

- ◆ Accommodate modified compensation provisions as proposed above (Submission No.7);
- ◆ Revise cost estimates arising from the injurious affection of Pt lot 76 Brigade Road (Submission No.5) and the cost estimates for any other subsequent substantiated claims for injurious affection.
- ◆ Revise cost estimates arising from the road widening associated with the on ramp to the proposed Tonkin Hwy extension at the western Ranford Rd end of the estate and affecting lots 130 and 131 (Submission No.1);
- ◆ Provide brief, yet more Specific references to a principal land owner or appropriate entity name in cases where brevity is required (due to the large number of persons partly owning the land), (Submission No.4);
- ◆ Revise cost estimates arising from items 1.2 (Armadale Road) and 2 (Subdivisional Roads) due to a third (western) access road from Armadale Rd as addressed in the July Steering Group Meeting;
- ◆ Revise cost estimates arising from updated consultancy costs for Scheme Amendments/Structure Plan/Development Contribution Plan etc;

The recommendation also reflects the intention for the Cost Apportionment Schedule to be distributed to all owners within the Development Contribution Area within 90 days of Gazettal of Amendment No.168, as required under the MST provisions adopted under Amendment No.157 (as modified).

D43/02 RECOMMEND

A) That Council determine the submissions to Scheme Amendment No.168 in accordance with recommendations recorded in the *Schedule of Submissions of Attachment “A1” of the Minutes.*

B) That the Council under and by virtue of the powers conferred upon it by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended), hereby adopts, with modification, Town Planning Scheme Amendment No.168 by:

(i) Adding the following new entry following point 3 in Schedule 1:

“Provisions Relating to Specified Areas - Part 2 - Forrestdale Industrial Business Park Estate;

- 4. All Owners within the Forrestdale Industrial Business Park Estate shall make a proportional contribution to the cost of infrastructure in accordance with the Development Contribution Area provisions incorporated into the Scheme under Amendment No.157. This Development Contribution Plan applies to the Development Contribution Area specified on the Scheme Map and described in this Schedule.**

Pursuant to the relevant Development Contribution Area provision, the distribution of Cost Contributions shall be levied on a proportional basis of the area of an Owners land, or that portion contained within the Development Contribution Area relative to the total Development Contribution Area, as calculated in accordance with the relevant Development Contribution Area provision.

The timing and priority of the construction of infrastructure included in this Development Contribution Plan, shall be established in accordance with, the availability of funds in the Reserve Account for the Development Contribution Area or as provided by landowners through subdivision and development approvals and as required to facilitate subdivision and/or development of land within the Development Contribution Area, as determined by Council.

This Development Contribution Plan shall expire five (5) years from the date of Gazettal, however, may also be extended for further periods, with or without modification, via subsequent Scheme Amendment.

Contributions shall be made towards the following items:

A 1. Arterial Road

Land and works for Ranford Road between Tonkin Highway and Armadale Road.

This comprises the following:

- ♦ Land reserved for Ranford Road under the Metropolitan Region Scheme (excluding the land on the northern side of Ranford Road between Tonkin Highway and Wungong Brook Reserve);**
- ♦ Full earthworks;**
- ♦ One carriageway to rural standard;**

- ♦ **Dual use path (one side only);**
 - ♦ **Stormwater Drainage;**
 - ♦ **Relocation of utility services infrastructure in Lake and Brigade Road;**
 - ♦ **Servicing infrastructure relocation where necessary;**
 - ♦ **A 50% contribution towards a set of traffic signals or a roundabout, as determined by Council, at the intersection of Ranford Road and Armadale Road;**
 - ♦ **Engineering, surveying and Council fees.**
- B 2. Subdivisional Roads**
- ♦ **Intersections to Armadale Road and Ranford Road including lowering of water main in Armadale Road; and**
 - ♦ **Compliance with the adopted Landscape Master Plan for entry statements to distributor roads.**
- C 3. Public Open Space**
- ♦ **Land requirements.**
- D 4. Stormwater Drainage**
- ♦ **Land requirements;**
 - ♦ **Construction; and**
 - ♦ **Drainage outfalls.**
- E 5. Sewer Reticulation**
- ♦ **Land requirements for a pumping station.**
- F 6. Water Supply**
- ♦ **No requirements.**
- G 7. Power Supply**
- ♦ **Land required for substation sites.**
- H 8. Telecommunications**
- ♦ **Land requirements for an exchange site;**
 - ♦ **Installation costs of extension of optic fibre cable.**

I 9. Other Scheme Costs

- ◆ **All costs associated with the statutory Town Planning infrastructure for the Forrestdale Industrial Business Park Estate including the Structure Plan and the Town Planning Scheme Rezoning Amendment No.148;**
- ◆ **All costs associated with the preparation of the Development Contribution Plan for the Forrestdale Industrial Business Park Estate including Scheme Amendment No.168, the associated Schedule of Developer Scheme Cost Contributions and any subsequent Amendment required for extension or modification of the Development Contribution Plan.**
- ◆ **All costs associated with the preparation of a detailed Stormwater Drainage and Nutrient Management Plan and monitoring;**
- ◆ **All costs associated with the administration and management of the Development Contribution Plan including but not limited to: bank charges; audit fees; fees for certification of estimated costs; office and sundry costs; legal expenses; valuation fees; caveat and conveyancing fees; officer time costs; cadastral survey costs; easement costs and other technical consultant fees associated with the design and implementation of infrastructure items listed in the Developer Contribution Plan; and**
- ◆ **Any other statutory costs incurred in preparing and administering the Town Planning Scheme provisions and Development Contribution Plan for the Forrestdale Industrial Business Park Estate, including but not limited to: claims for Injurious Affection; periodic reviews of the Schedule of Developer Scheme Cost Contributions; and any interest costs incurred by Council in respect to loan funds required to provide timely implementation of any of the items listed above.”**

- (ii) Modifying the boundary of the Development Area for the Forrestdale Industrial Business Park on the Scheme Map by extending it to include the land for the realignment of Ranford Road within the Development Area and Development Contribution Area defined by the land reserved for Ranford Road under the Metropolitan Region Scheme (excluding the land on the northern side of Ranford Road between Tonkin Highway and Wungong Brook Reserve).**
- (iii) Modifying the existing “Development Area” notation on the Scheme Map by substituting the words; “Development Area / Development Contribution Area”, for the words; “Development Area”.”**
- C) That the Mayor and Chief Executive Officer be authorised to execute Amendment documents.**
- D) That the Development Contribution Plan and Schedule be adopted with modifications as outlined in the Schedule of Submissions and the above report.**
- E) That a Cost Apportionment Schedule for the Forrestdale Industrial Business Park Development Contribution Area based on the Development Contribution Plan and Schedule in D) above, be distributed to all owners within the Development Contribution Area within 90 days of Gazettal of Amendment No.168.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

***PROPOSED SUBDIVISION TO CREATE (2) TWO LOTS –
LOT 111 BROOKTON HIGHWAY, ROLEYSTONE***

WARD : ROLEYSTONE
FILE REF : SUB/118360
DATE : 27 February 2002
REF : GIW
RESPONSIBLE : PSM
MANAGER
APPLICANT : Brook & Marsh Pty Ltd
LAND OWNER : Newell Nominees
SUBJECT LAND : Lot 111 Brookton
Highway, Roleystone
Property Size 35945m²
Map 25.06
ZONING : Rural / Rural D & Special
MRS/TPS No.2 Use No.56

In Brief:-

- Proposal involves subdivision of the subject property into two (2) lots of 3.348ha and 2465m² respectively.
- The applicant proposes to excise the 2465m² lot to accommodate future tourist uses on the site.
- Recommend refusal on the grounds that the proposal will further fragment current zoning and fails to comply with the minimum 2ha lot size requirement of TPS No.2 relevant to the Rural D zone.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Development- “To balance the need of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Town Planning & Development Act 1928
Town Planning Scheme No.2

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Nil

BACKGROUND

Previous Applications

The original subdivision of Lot 111 (formerly Lot 147) to create Lot 110 Brookton Highway was granted on the premise that future development of tourist uses (as part of Special Use Zone No.56) would be contained entirely on Lot 110 Brookton Highway. It was proposed at the time of subdivision that the surplus portion of Special Use Zone No.56 on Lot 111 would eventually be rezoned to the predominant Rural D zone pending a review of Town Planning Scheme No.2.

Council approved a tourist use (Tourist Facility / Confectionary Kitchen and Sales Outlet) over the proposed 2465m² land holding at its meeting held on 15 May 2000.

DETAILS OF PROPOSAL

The application involves subdivision of the subject property into two (2) lots of 3.348ha and 2465m² respectively. The applicant proposes to excise the 2465m² lot incorporating a portion of Special Use No.56 zone to accommodate future tourist uses on the site.

The applicant has provided the following justification for the proposal:

- ◆ The original development plan on Lot 110 Brookton Highway could be amended to incorporate a high quality tourist development on the subject site;
- ◆ Council has previously approved a tourist development on the subject site;
- ◆ The current zoning of the subject site only represents two zonings.

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 12 February 2002 recommended refusal of the proposal based on the following grounds:

- ◆ The proposal will create a 2465m² lot consisting of three separately zoned portions (i.e. Special Use No.56 and two separate portions of Rural D);
- ◆ All permitted development within the Special Use No.56 zone is already contained on the adjoining Lot 110 Brookton Highway.

Analysis

Current Situation

The Special Use No.56 zone is restricted to tourist based shops and offices not exceeding a combined total floor area of 420m². It should be noted that the existing tourist development on Lot 110 Brookton Highway already comprises approximately 420m² of shop and office floor space, precluding further development of the Special Use zoned portion of Lot 111 to accommodate such uses. The existing development on Lot 110 Brookton Highway however does not preclude Council from considering other compatible tourist uses on the 'Special Use No.56' or 'Rural D' zones of Lot 111 Brookton Highway. The proposed subdivision is considered to be unwarranted given that no existing development or approved concept plan has been initiated over Lot 111 Brookton Highway to date.

Town Planning Scheme Review

Given the existing development on Lot 110 and pending the imminent review of Town Planning Scheme No.2, it is considered that the portion of Lot 111 currently zoned 'Special Use No.56' could be rezoned to reflect the predominant Rural D zoning. Such rezoning would realign the 'Special Use No.56' zone to the cadastral boundaries of Lot 110.

The proposed subdivision boundary of the 2465m² lot does not reflect the boundary of the Special Use No.56 zone. The proposed lot will consist of two separate portions of 'Rural D' zoning as well as a portion of Special Use No.56, resulting in three separate zones within the single lot holding. In addition, the 'Rural D' portions do not comply with the minimum 2ha lot size requirement of Town Planning Scheme No.2.

Options

1. Council may recommend approval to the proposal but acknowledge the heightened problems of relating appropriate land uses to the mixed zonings on the resultant lot.
2. Council may refuse the proposal on the following grounds:
 - ◆ The proposed subdivision will create a 2465m² lot consisting of three separately zoned portions (i.e. Special Use No.56 and two separate portions of Rural D);
 - ◆ The 2465m² lot holding does not comply with the minimum 2ha lot size requirement of Town Planning Scheme No.2 relevant to the Rural D zone;
 - ◆ No Outline Development Plan / Structure Plan has been prepared over Lot 111 Brookton Highway to warrant subdivision of the proposed lot.

CONCLUSION

As a result of the fragmented zoning over the resultant lot, it is considered appropriate in the interest of proper and orderly planning, that a rationalisation to the zoning boundaries of Lot 110 and Lot 111 Brookton Highway should be initiated prior to consideration of subdivision proposals on the subject site. It is therefore recommended that Council adopt option 2 above and refuse the proposed subdivision.

COMMITTEE considered the history and particular physical character of the land in question, noting the circumstances that if a tourist theme development had been established on the portion of the site fronting Soldiers Road, that there would be reasonable grounds to favourably consider an excision of that portion of Lot 111 Brookton Highway.

Accordingly a Part 3 was added to the recommendation reflecting Committee's view.

D44/02

RECOMMEND

- 1. That Council advise the Western Australian Planning Commission that it does not support the proposed subdivision of Lot 111 Brookton Highway, Roleystone for the following reasons:**
 - a) The proposal will create a 2465m² lot consisting of three separately zoned portions.**
 - b) The proposed 2465m² lot holding does not comply with the minimum 2ha lot size requirement of Town Planning Scheme No.2 relevant to the Rural D zone;**
 - c) No Outline Development Plan / Structure Plan has been prepared over Lot 111 Brookton Highway to warrant subdivision of the proposed lot.**
- 2. That the need to rationalise zoning boundaries on Lot 110 and Lot 111 be acknowledged and addressed in the course of preparation of Town Planning Scheme No.4.**
- 3. That Council advise the applicant and the Western Australian Planning Commission of the history and physical circumstance of the site in question and offer the view that if development such as the previously approved tourist facility had been implemented on site, there would be reasonable grounds for subsequently effecting a subdivision related to the immediate land requirements of the tourist development.**

MOVED Cr Stubbs
MOTION CARRIED (7/0)

***PROPOSED CHALET ACCOMMODATION – ARALUEN COUNTRY CLUB
LOT 701 HERITAGE DRIVE, ROLEYSTONE***

WARD : ROLEYSTONE

FILE REF : A214304

DATE : 28 February 2002

REF : EP

RESPONSIBLE MANAGER : PSM

APPLICANT : Bollig Design Group

LAND OWNER : Araluen Golf Resort Pty Ltd

SUBJECT LAND : Property size 3.65 ha
Map 22-08

ZONING : Rural / Special Use No.66 – Golf
MRS/TPS No.2 Course & Rural Residential
Development

In Brief:-

- ◆ Construction of 20 holiday accommodation chalets in the eastern valley of the Araluen Estate.
- ◆ The proposal complies with the Special Use No.66 development table provisions as outlined in the Town Planning Scheme No.2.
- ◆ Recommendation for approval subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

“Development – to balance the need of development with sustainable economic, social and environmental objectives”

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Araluen Design Guidelines and Covenants (private estate requirements).

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU)
- ◆ Manager Parks and Reserves
- ◆ Environmental Officer
- ◆ Council Rangers

BACKGROUND

The Scheme Text Amendment No.119, which allowed for residential subdivision in the Araluen Estate also provided for three chalet nodes to establish 50 chalets in the eastern valley of the Estate. This amendment was gazetted in April 1997.

Council at its meeting on 21 August 2000 approved an application to construct 10 chalets as stage 1 of the Holiday Accommodation development in the Eastern Valley of the Araluen Estate. This development did not proceed.

The ownership of Araluen Estate has changed since the previous approval.

DETAILS OF PROPOSAL

The applicant seeks approval to construct 20 holiday accommodation chalets at the node identified as chalet node “A” (west of the club house) in the eastern valley of the Araluen Estate as the first stage of a 50-chalet holiday accommodation Development in the Araluen Estate.

The proposal entails the following:

- ◆ Five clusters of accommodation chalets, each comprising of four (4) cabins, including two (2) disabled units.
- ◆ Extending the existing buggy / pedestrian paths to service the proposed chalets, with 20 buggy parking bays.
- ◆ Enlarging the existing public parking area to accommodate 32 additional parking bays to service the chalets.

COMMENT

Development Control Unit Comment (DCU)

DCU, at its meeting on 26 February 2002 recommended approval of this application subject to the following:

- ◆ Submission of details of colour schedule proposed for the development, the extent of land clearing proposed, a comprehensive landscape plan, details of emergency access to the chalet site and details of nutrient removing effluent disposal system.

Environmental Officer Comments

There are no significant environmental impacts associated with the construction of the chalet proposal. Minimum vegetation clearing is recommended.

Analysis

Holiday Accommodation within this Special Use zone is a discretionary use and therefore requires Council's determination.

The Town Planning Scheme No.2 Special Use No.66 provisions require all chalets to be designed, located and constructed in such a manner that they blend in with the natural landform and minimise clearing of existing vegetation of the site.

Site details

The chalet site is situated on moderately sloping ground at the south west of the estate. The chalets are proposed to be of pole construction, with no cut and fill or slab laying. This construction technique involves minimal ground disturbance, thus the stability of the slope will not be impaired.

Vegetation

The chalets will be located within a site which is predominantly forest regrowth consisting of Marri and Jarrah with a few very old Grass trees (*Xanthorrhoea preissii*) considered worthy of retention. The chalet arrangement being in clusters rather than single units would minimise any clearing and disturbance to the vegetation. The applicant has advised that they will closely monitor clearing during construction of the chalets to ensure that the vegetation retention objectives are met.

After a site inspection Council's Parks Department is satisfied that the clearing to accommodate the chalets is unlikely to have any detrimental impact to the environs. It is however, suggested that the Grass Trees be retained.

Notwithstanding the above, as the applicant has not provided any details of the extent of the areas proposed to be cleared, a site plan clearly indicating the extent of vegetation clearing for the purpose of this development will need to be submitted to Council as a condition of approval.

Building Design and Colour Scheme

The submitted elevation plans suggest that the design and building material types generally complement the existing clubhouse building. The proposed roof pitch of 12° to 18° for the chalets is not in accordance with the Araluen Design Guidelines stipulation of 25° to 45° for the roof pitch. In justifying the proposed roof pitch, the applicant asserts that it matches the existing clubhouse.

Given the chosen design for the chalets, the 12° pitch of the central living area and the 18° pitch of the chalets on either side will minimise the height and subsequent impact of the roof on the surrounding tree canopy. This will result in less damage to the trees and minimising both visual and physical impact of the chalets on the surrounding native bushland. The densely vegetated and sloping nature of the Eastern Valley area will reasonably obscure the proposed chalet development from the existing residential properties along Ridgehill Rise and Heritage Drive. Although the chalets are likely to be visible from the golf course, its bush setting would minimise any adverse visual impact.

Roof material is proposed to be “Colorbond” with the external walls being constructed with a combination of cedar and stone. The applicant has not submitted the colour scheme at this stage. This would be required as a condition of planning approval.

Landscaping

The applicant has not provided any details of proposed landscaping abutting the chalets. A comprehensive landscaping plan with specific details such as proposed plant species, density of planting and other relevant information will be required as part of the approval of the development.

Access and Parking

A 32 parking bay extension is proposed to the existing public parking area of the clubhouse to service the proposed stage I of the chalet development. Buggy paths are proposed to be extended to access the cabin areas. Visitor luggage will be transported to and from the chalets from the main reception area using motorised carts via proposed buggy paths.

Under Town Planning Scheme No.2 the parking requirement for holiday accommodation is “as required by Council”. The existing on site parking provision is 184 bays, while the required number of parking bays to service the existing clubhouse and the associated uses is 165 bays. This provides an oversupply of 19 parking spaces. The 32 new parking bays plus the 19 bay oversupply will be more than adequate to service the Holiday Chalet facility.

Given the lack of information regarding emergency access to the building area, the applicant should be requested to provide such details as a condition of the planning approval.

Effluent Disposal

The Town Planning Scheme Special Use provisions for this site require all chalets to be serviced with nutrient removing effluent disposal systems to the satisfaction of Council. The submitted plans / details do not include such information. The applicant has advised that the effluent disposal system has yet to be fully designed and would form part of their documentation to be submitted for a building licence.

Contribution to Pedestrian Network

When Council considered the scheme text amendment No.119 to allow for holiday accommodation chalets and a subdivision guide plan for residential and chalet lots in the Eastern Valley of the Estate, it was agreed to allow an increase in the residential lot yield from the initially agreed 57 lots to 60 lots to assist in the project's capacity to financially support the Council's requested Canning Valley / Araluen pedestrian circulation system. Consequently the previous owner (Sangora Holding Pty Ltd) agreed to contribute \$200,000 towards improvement of the pedestrian network over a period of 4 years. Council at its meeting in May 1997 resolved to accept this proposal (D337/97).

It is prudent that Council remind the new owners of this obligation. The applicant should be requested to liaise further with Council officers to determine the terms and conditions regarding such contribution.

Other issues

When final approval was granted for Amendment No.119 the Bush Fire Board indicated that the cells created by additional paths will enhance fire protection but other fire protection measures will also be required. Council's Fire and Ranger Services have advised that a Fire Management Plan for this estate is already in place and this should adequately address any prospective fire issues. The applicant has advised that all storm water will be controlled within the site minimising any potential for erosion. This issue could be addressed at the Building Licence stage.

Options

Given the above there are no other appropriate options to be considered.

Conclusion

The development application generally complies with the Special Use No.66 Development Table provisions as outlined in the Town Planning Scheme No.2. The proposed development will benefit tourism in the City of Armadale and employment in the area and increase the attraction of the Araluen Country Club Estate.

On the basis of the information provided above, and subject to relevant issues being addressed, conditional approval for Stage 1 of the Holiday Accommodation Development in the Eastern Valley of the Araluen Estate is recommended.

Officer's report recommends –

1. That Council approve the application to construct 20 chalets as stage 1 of a 50 chalet Holiday Accommodation development in the Eastern valley of the Araluen Estate (Lot 701 Heritage Drive, Roleystone) subject to conditions including the following principal requirements:
 - a) A schedule of colours and textures of materials to be submitted to Council and approved by the Planning Services Manager. The development is to be completed in accordance with the approved schedule.
 - b) A comprehensive landscape plan for the site incorporating the existing vegetation where possible (mainly the Grass Trees) and indicating the extent of proposed vegetation clearing to accommodate the chalet development is to be submitted to Council for approval by the Manager, Parks. All landscaping to be installed and thereafter maintained to the satisfaction of the said officer.
 - c) Submission of details regarding emergency vehicle access to the chalet area to the satisfaction of the Manager Technical Services.
 - d) Submission of plans/details of the nutrient removing effluent disposal system to the satisfaction of Council and such plans being approved by Council and the Health Department of WA.
 - e) Submission of a site plan indicating the location of emergency wastewater storage site to the satisfaction of Council.
2. Araluen Golf Resort Pty Ltd be requested to further discuss terms and conditions pertaining to the matter of financial contribution to the Canning Valley / Araluen pedestrian circulation system.

COMMITTEE expressed concern that the application as submitted was insufficient to allow a reasonable appreciation of the visual qualities of the proposed chalets and the impact they would impose on this visually sensitive local environment on the Araluen Estate.

D45/02 RECOMMEND

That the proposed application to construct 20 chalets as stage 1 of a 50 chalet Holiday Accommodation development in the Eastern valley of the Araluen Estate (Lot 701 Heritage Drive, Roleystone) be recommitted for further consideration upon receipt of plans, perspective and colour schemes which illustrate the intended visual qualities and impact on the landscape of the proposed chalets.

MOVED Cr Stubbs
MOTION CARRIED (7/0)

***ROAD NAME IN SUBDIVISION –
LOT 55 CHURCHMAN BROOK ROAD, BEDFORDALE***

WARD : ARMADALE
FILE REF : NAM/2
DATE : 26 February 2002
REF : CB/HC
RESPONSIBLE MANAGER : PSM
APPLICANT : Dykstra & Assoc
LAND OWNER : Lomos Nominees
SUBJECT LAND : Lot 55 Churchman Brook
Road, Roleystone
Property size 12.1733ha
Map 25-03
ZONING : Rural / Rural B (Amdt. 171
MRS/TPS No.2 proposes rezoning to
“Special Use - Rural/
Residential”

In Brief: -

- Application to name road reserve within subdivision.
- Appears to comply with Geographic Names Committee (GNC) Guidelines.
- Recommend that GNC be approached seeking approval that the road be named Cartland Court.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Relates to our commitment to the future to create a caring and vibrant city, rich in history, heritage and lifestyle

Legislation Implications

Town Planning & Development Act 1928
Geographic Names Committee WA – Principles, Policies, Procedures.

Council Policy/Local Law Implications

Nil

Budget / Financial Implications

Nil.

Consultation

Nil.

BACKGROUND

A proposed subdivision of 15 rural/residential lots at Lot 55 Canns Road, Bedforddale includes a cul-de-sac road leading into the subdivision from Camfield Place, Bedforddale.

DETAILS OF PROPOSAL

Dykstra & Associates on behalf of their client Lomos Nominees have requested that the new road be named Cartland Court. The name is based on the nearby Barbara Cartland Tearooms, which were a long established feature of the locality. The developers wish to have the name Cartland Court to maintain the Barbara Cartland theme in the adjoining subdivision. The access road, Camfield Place, is part of that same theme.

COMMENT

Analysis

GNC Guidelines indicate that company or commercialised names should be avoided unless in a historical context. The tearoom has not functioned as a business since September 1999 and it is suggested that the name is thus selected in a historical context rather than a commercial one and should meet GNC Guidelines.

The street name does not appear to exist elsewhere in the Metropolitan Area. The proposed suffix (Court) indicates a short enclosed roadway or cul-de-sac and appears suitable.

Options

Option 1

Approve Cartland Court as the suggested road name to maintain the theme in the associated subdivisions.

Option 2

Other names, that may be suitable for roads, are held in a name bank. Of these, only two appear to meet GNC criteria about exclusiveness. These are:

- ◆ Eascott – Mr Eastcott (great grandfather of current residents of Armadale) settled in the Armadale area in 1845 and farmed at Paradise. He lived and worked in the area until 1895.
- ◆ Ieraci – Mr Ieraci was a market gardener, orchardist and storekeeper who lived in Kelmscott for 30 years.

CONCLUSION

Cartland Court is unique in the Metropolitan Area. It does not appear in the Street Directory in any form. As the proposed name appears to comply with GNC Guidelines, fits in with the theme of the two associated subdivisions and is the preferred name supplied by the owners, it is recommended that the application be approved as submitted.

D46/02

RECOMMEND

That Council approach the Geographic Names Committee seeking approval to the name of the road reserve within the subdivision of Lot 55 Churchman Brook Road, Bedfordale as “Cartland Court”.

MOVED Cr Zelones
MOTION CARRIED (6/1)

UNAUTHORISED EARTHWORKS- LOT 706 (No.10) FISHER PLACE, MT NASURA

WARD : ARMADALE
FILE REF : A134924
DATE : 5 March 2001
REF : SJA/GIW
RESPONSIBLE : PSM
MANAGER
LAND OWNER : PJ & DL Ryan
SUBJECT LAND : Lot 706 Fisher Place
Property size 2657m²
Map 23.04
ZONING : Urban / Residential R5
MRS/TPS No.2

In Brief:-

- Land progressively filled over a number of years without Council approval.
- Approval granted subject to compliance with a number of conditions.
- Applicant has failed to comply with the conditions of approval.
- Applicant has failed to comply with a directive from Council's Health Department to remove fill from above the leach drain.
- Recommend that legal proceedings be instituted.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To balance the needs of development with suitable economic, social and environmental objectives.

Legislation Implications

Town Planning & Development Act 1928
Town Planning Scheme No.2
Health Act 1911

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Costs to budget allocation for legal expenses in seeking a legal remedy. Usually, the actual cost to Council of legal action is not reflected in fines and penalties imposed.

Consultation

N/A

BACKGROUND

It was brought to Council's attention in November 2000 that the landowner of Lot 706 was conducting earthworks on the site, which had not received Council approval. An investigation of the site revealed that fill had been dumped on the property for a considerable time, and had spilled into the adjoining Reserve for Recreation to the north of the lot. Following discussion with the landowner, an application was submitted to complete the works on site.

This application was presented to the Development Services Committee meeting on 12 March 2001. At this meeting, Committee determined to recommit the item for further consideration to address the following concerns:

- ◆ Overall height of fill;
- ◆ Encroaching fill onto adjoining reserve;
- ◆ Septic system is overburdened with fill and needs rectifying;
- ◆ Need for interim management of erosion.

The report was recommitted on 19 March 2001 and approved subject to conditions. Condition 4(a) of this approval stated the following:

- ◆ Submission of plans generally based on the principles of fill cross-section Options 2(a) or 3 from a suitably qualified Structural Engineer demonstrating that all works can be contained within the subject property, and are structurally sound, within 1 month from the date of approval, to the satisfaction of the Planning Services Manager.

The applicant subsequently submitted a detailed revised plan on 24 September 2001, to demonstrate the visual impact of the proposal by recontouring and retaining the fill in accordance with Option 2(b). The application was subsequently present to Council on 19 November 2001 and refused on the grounds that the proposal represented an inappropriate visual impact by way of excessive retaining wall heights along the lower property boundaries adjoining the public recreation reserve. The applicant was notified of Council's resolution and advised on 23 November 2001 to revert to the fill management Option 2(a) as identified in Council's previous resolution and effect the appropriate plans and works as a matter of urgency.

Subsequent site inspections and discussion with the applicant have failed to result in compliance with the conditions of the approval. A directive was issued by Council's Health Department to remove fill from the site to the extent that no greater depth than 300 mm remained above the septic system. To date, work has not been completed to comply with the directive.

COMMENT

Analysis

Town Planning Scheme No.2 requires – *“If pursuant to the provisions of the Scheme, planning consent to commence development has been granted by the Council upon conditions no person shall commit a breach of any of those conditions”*.

Therefore, non-compliance with any condition of an approval constitutes a breach of the Scheme.

Schedule 7 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 requires that the top of a standard leach drain does not exceed a maximum depth of 300mm below ground level.

Work has not been undertaken to ensure compliance with the Regulations, therefore a breach of the Health Act has occurred.

Options

1. As all of the usual avenues to ensure compliance with the legislation under Council's administration have been exhausted, Council may institute legal proceedings to prosecute for breach of Town Planning Scheme No.2 and the Health Regulations.
2. Issue a Notice under Section 10 of the Town Planning and Development Act 1929, which empowers Council to undertake remedial work. (The issuing of a Notice provides the recipient with the option to refer the matter to the Minister to act as arbiter).
3. Undertake both options 1 and 2.

CONCLUSION

This matter has been on-going for some time and despite a number of site meetings with the owner of the property, voluntary compliance with requirements has not been forthcoming. Therefore, in order to conclude the matter by the most expeditious avenue, it is recommended that Council accept option 1 and commence legal proceedings.

D47/02

RECOMMEND

That Council authorise the Liaison and Compliance Officer to institute legal proceedings against Mr PJ and Mrs DL Ryan of Lot 706 Fisher Place, Mount Nasura, for;

- a) **breaching the City of Armadale Town Planning Scheme No.2, by failing to comply with the conditions of the development approval dated 5th April 2001;**
- b) **breaching the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 by failing to install the effluent disposal system in accordance with the Regulations.**

MOVED Cr Green
MOTION CARRIED (7/0)

**RESERVE 28864 –
“CHURCH SITE”- LOTS 315 AND 316 DUMSDAY DRIVE, FORRESDALE**

WARD : FORREST
FILE REF : A182010
DATE : 28 February 2002
REF : MF
RESPONSIBLE MANAGER : PSM
APPLICANT : Department of Land Administration
LAND OWNER : Crown
SUBJECT LAND : Reserve 28864 – “Church Site” - Lots 315 & 316 Dumsday Drive, Forrestdale. Property size 2023m² Map 18.03
ZONING
MRS/TPS No.2 : Urban / Residential ‘R12.5’

In Brief:-

- Request received from DOLA as to whether Council has any objection to DOLA disposing of Reserve 28864.
- The “Public Open Space Strategy” report has identified this Reserve for disposal on the grounds that its size is uneconomic to maintain.
- The sale of this Reserve is unlikely to yield any funds to Council on the grounds that this Reserve was not created as a condition of subdivision under Section 20A of the Town Planning and Development Act.
- Recommend that DOLA be advised to proceed with the disposal of this Reserve.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

“Development – to balance the needs of development with sustainable economic, social and environmental objectives.”

Legislation Implications

Nil.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- ◆ Council's Environmental Officer
- ◆ DOLA
- ◆ Technical Services Directorate (Manager Parks)

DETAILS OF PROPOSAL

A letter has been received from DOLA enquiring as to whether Council has any objection to DOLA proceeding with the disposal of Reserve 28864.

COMMENT

This Reserve has been assessed and identified for disposal in the "Public Open Space Strategy" report. However, the Strategy is being implemented in seven stages and the sale of this Reserve has been identified for implementation in Stage 7.

Technical Services Directorate (Manager Parks) has no objection to the proposed disposal on the grounds that this Reserve is zoned "Public Purpose – Church Site" rather than a recreation reserve. The area is also adequately served by other public recreation reserves in the near vicinity.

Analysis

The land in question is reserved as a "Public Purpose – Church Site" and has been assessed in the "Public Open Space Strategy" report as uneconomic to maintain and recommends its disposal. There is no apparent demand for the land to be used for a church or other public purposes. DOLA has advised that since this Reserve was not created as a condition of subdivision under Section 20A of the Town Planning and Development Act, Council is not entitled to receive the proceeds of sale to be used for the improvement of other recreation reserves in the vicinity. In addition, Council will not need to follow Section 20A guidelines relating to the disposal of this Reserve, including advertising. This will be carried out by DOLA.

The size and location of this Reserve makes it ideal for residential development without compromising available public open space in the vicinity. The nearest public open space is located within 150m of this Reserve.

If this Reserve is sold for residential purposes, it will require to be appropriately zoned. This rezoning can however be accommodated in Council's new Town Planning Scheme No.4.

Options

Two Options therefore seem available:

Option 1

Recommend that Council advise DOLA that it has no objection to DOLA proceeding with the disposal of this Reserve on the grounds that this Reserve is not required by Council for recreation purposes because the area is adequately served by recreation reserves, the nearest one being within 150 metres of this Reserve. This Reserve has also been assessed and recommended for disposal in the “Public Open Space Strategy” report.

Option 2

Recommend that Council defer the request to DOLA to proceed with the sale of the Reserve pending the completion of Stages 1 to 6 of the “Public Open Space Strategy” report.

CONCLUSION

It is recommended that Council adopt Option 1 on the grounds that this Reserve is surplus to public requirements.

D48/02

RECOMMEND

- 1. That Council resolve to advise the Department of Land Administration (DOLA) that it has no objection to DOLA proceeding with the disposal of Reserve 28864 zoned “Public Purpose - “Church Site” and situated at Lots 315 and 316 Dumsday Drive, Forrestdale on the grounds that it is surplus to public requirements and is not required for recreational purposes by Council since the area has adequate public recreational facilities, the nearest facility being within 150 metres of Reserve 28864.**
- 2. That DOLA be advised that Council will accommodate the rezoning of the land from “Public Purpose – Church Site” to Residential ‘R12.5’ in the new District Town Planning Scheme No.4.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

ATTENDANCE BY ELECTED MEMBER/S AT WA LOCAL GOVERNMENT ASSOCIATION AND HOUSING INDUSTRY ASSOCIATION GREENSMART SEMINAR

WARD : ALL
FILE REF : CRS/4
DATE : 5 March 2002
REF : HC
RESPONSIBLE : PSM
MANAGER

In Brief:-

- WA Local Government Association and Housing Industry Association GreenSmart Seminar to be held at Piney Lakes Environmental Education Centre, Booragoon on 21 March 2002.
- Topics should be of interest to Elected Members.
- No Officer from the City will be attending the Seminar.
- Recommend that Councillor/s be nominated to attend.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To foster an effective professional environment and administration of the City's services and encourage innovation and creativity in meeting the needs of the community.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Council Policy 1.2.5 – Conferences, Seminars and Training.

Budget / Financial Implications

Seminar registration fees of \$242 per person (or \$220 per person where three or more delegates from Council are registered at the same time).

Consultation

Nil.

BACKGROUND

The Western Australian Local Government Association (WALGA) advises it is holding a one-day introduction Seminar on Greensmart in conjunction with the Housing Industry Association (HIA) at the Piney Lakes Environmental Education Centre, Booragoon on Thursday 21 March 2002.

The HIA has developed GreenSmart, which includes a national training and accreditation program that is providing Australia's housing industry with environmental skills, as a result of communities becoming more environmentally aware and as a result demanding more environmentally friendly housing. The Seminar is an introduction to GreenSmart.

COMMENT

The seminar will be presented by Verity Allan of the HIA (and the Armadale Redevelopment Authority) and Griff Morris, owner/director of Solar Dwellings. Ms Allan is responsible for HIA's GreenSmart Strategy in WA. Mr Morris's company designs energy efficient passive solar homes and organises their construction in conjunction with a number of nominate builders.

Some of the areas that will be covered (*see Attachment "A2" of the Agenda*) include:

- ◆ Setting the scene - Global, national and state trends in the environment for subdivision and housing design.
- ◆ The Policy context - The Local Government perspective and round up of what's happening in Local Government.
- ◆ Green and clever planning.
- ◆ GreenSmart villages.
- ◆ Elements and design of GreenSmart houses.
- ◆ The GreenSmart house checklist.
- ◆ Marketing the GreenSmart concept to homeowners.
- ◆ Where to from here?

WALGA recommends attendance by Elected Members, CEOs, officers with building, planning and environmental responsibilities. No Officers from the City will be attending. Both Building and Planning staff have recently attended seminars on similar topics. In accordance with Council Policy 1.2.5, Council approval is required for registration of an Elected Member to attend the Seminar.

CONCLUSION

The WALGA and HIA GreenSmart Seminar should be an interesting and informative forum dealing with issues that are relevant to the City. The item is raised for information for any Councillors who may wish to nominate to attend.

D49/02

RECOMMEND

~~That there be no nomination from Development Services Committee to attend the Western Australian Local Government Association and Housing Industry Association Greensmart Seminar to be held on Thursday, 21st March 2002, and that the matter be referred to full Council in the event that any member wishes to be nominated.~~

Council resolved at its Ordinary Meeting on 18th March 2002 that there be no nomination to attend the Western Australian Local Government Association and Housing Industry Association Greensmart Seminar to be held on Thursday, 21st March 2002.

MOVED Cr Zelones
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Cr Everts

1. Trees on Braemore Street / Williams Road

Cr Everts queried condition of trees under Preservation Order and suggested need for an appraisal of tree condition.

Cr Stubbs

1. Consultation Processes

Cr Stubbs indicated there may be a need to review circumstances and processes for undertaking consultation of residents on planning and building matters.

2. Residential Yard Cleanups

Cr Stubbs queried progress in relation to removal of derelict car bodies etc and media advertising.

3. Town Planning Scheme No.4

Cr Stubbs requested progress report on Town Planning Scheme No.4 and indicated desire for Councillor involvement perhaps via workshop.

Cr Zelones

1. Fireworks Storage

Cr Zelones requested investigation as to any presence of firework manufacture / storage in the City's jurisdiction.

D50/02

RECOMMEND

That the Councillors' items listed as follows:-

- a) **Trees on Braemore Street / Williams - (Cr Everts);**
- b) **Consultation Processes - (Cr Stubbs);**
- c) **Residential Yard Cleanup - (Cr Stubbs);**
- d) **Town Planning Scheme No.4 - (Cr Stubbs); and**
- e) **Fireworks Storage – (Cr Zelones).**

be referred to the appropriate Directorate for relevant action and/or report back to Committee.

MOVED Cr Zelones
MOTION CARRIED (7/0)

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES - ACTIVITY REPORT

Executive Director – Development Services reported to Committee on matter of interest.

MEETING DECLARED CLOSED AT 9:05 PM

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11TH MARCH 2002

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